

REMARKS

Claims 17 and 40-42 are pending in the instant patent application. Claim 17 has been amended to more clearly describe the claimed invention and to incorporate an element previously recited in claim 39. Support for claim 17 as amended is found throughout the specification as filed and at original claim 17 and 39. Claims 40 and 42 have been amended to update their dependencies. Claim 39 and previously withdrawn claims 18-38 are canceled without prejudice or disclaimer. No new matter has been added.

A. Rejections under 35 U.S.C. § 101

Claim 17 was rejected as allegedly drawn to non-statutory subject matter. See Office Action mailed July 24, 2007 (Office Action) at page 2. Applicants respectfully traverse. The Examiner asserted that the claims “do not require that a result must be produced.” Office Action at page 4. Without acquiescing, Applicants have amended claim 17 to include elements from claim 39, which was not included in the rejection. Thus, the rejection is moot.

B. Rejections under 35 U.S.C. § 102

Claims 17 and 39-42 were rejected under 35 U.S.C. § 102 as allegedly anticipated by Bennett et al. Office Action at page 4. Applicants respectfully traverse. While Bennett et al. discloses certain antisense oligonucleotides that comprise one or more positive predictor sequence motifs and that lack either of the two recited negative predictor sequence motifs, such antisense oligonucleotides alone do not anticipate the current method claims. Claim 17 as amended recites steps of eliminating from a set of antisense oligonucleotides those comprising certain negative predictor sequences and selecting oligonucleotides comprising at least one positive predictor sequence. Since those steps are not described in Bennett et al., the present claims are not anticipated. Applicants respectfully request reconsideration and withdrawal of the rejection under § 102.

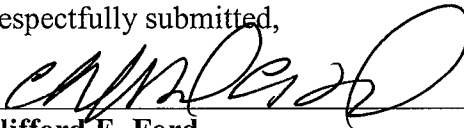
FEEs

The Applicants hereby authorize to Commissioner to charge Deposit Account 50-0252 for a one month extension of time. It is believed that no other fee is due with this response. However, if an additional fee is due, the Commissioner is hereby authorized to charge the Deposit Account listed above referencing this case number.

CONCLUSIONS

Applicants submit that the present response is complete and complies with the requirements of 37 C.F.R. §1.121. In view of these amendments and remarks, the Applicants believe that the case is now in proper form for allowance. Prompt issuance of a Notice of Allowance is respectfully requested. If the Examiner believes that outstanding issues remain in the case, the Examiner is encouraged to call the undersigned Agent for Applicant listed below to discuss the matter.

Respectfully submitted,



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